

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CHARLES SCOTT

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-111-DPJ-ASH

WARDEN COLBERT

RESPONDENT

ORDER

This habeas petition is before the Court on the Report and Recommendation [13] of United States Magistrate Judge Andrew S. Harris. Charles Scott filed his petition under 28 U.S.C. § 2241 challenging his 1999 convictions of Hobbs Act robberies in the Northern District of Indiana. *See* Pet. [1] at 6-7; R&R [13] at 1. Judge Harris recommends dismissal because Scott’s petition does not qualify for the savings clause under 28 U.S.C. § 2255(e), without which he cannot proceed in this Court. *See* R&R [13] at 5.

The R&R issued on April 21, 2025, and Petitioner had fourteen days to object if he wished. Fed. R. Civ. P. 72(b)(2); *see* R&R [13] at 5 (advising Petitioner of deadline). Petitioner did not object.<sup>1</sup>

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note (1983), *quoted in Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as noted in Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017).

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<sup>1</sup> Scott was incarcerated at the United States Penitentiary in Yazoo City, Mississippi, when he filed his petition. He filed a Notice of Change of Address [12] on August 13, 2024, and the R&R was mailed to Scott’s updated address.

Finding no clear error, the Court accepts the well-reasoned recommendation of the Magistrate Judge.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [13] of the United States Magistrate Judge is adopted as the finding and holding of this Court. The habeas petition is dismissed with prejudice.

A separate judgment will be entered in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 14th day of May, 2025.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE